

MILFORD PLANNING BOARD PUBLIC HEARING  
May 20, 2014 Board of Selectmen's Meeting Room, 6:30 PM

Minutes Approved on June 17, 2014

Present:

**Members:**

Janet Langdell, Chairperson

Paul Amato

Kathy Bauer

Chris Beer

Steve Duncanson

Tom Sloan

Susan Robinson, Alternate member

**Staff:**

Jodie Levandowski, Town Planner

Shirley Wilson, Recording Secretary

Zach Steinbrecher, Videographer

**Excused:**

Judy Plant

**MINUTES:**

1. Approval of minutes from the 5/06/14 meeting.

**NEW BUSINESS:**

2. **NHCG, LLC/185 Elm St, LLC – 185 Elm St, Granite Town Plaza – Map 19, Lot 25-3;** Public Hearing for a site plan amendment to allow all legal gaming activities covered under NH RSA 287-A, 287-D & 287-E.
3. **Bruce A Merrill – Merrill Ct and Union St – Map 29, Lot 69;** Public hearing for a minor subdivision to create one (1) new residential lot with access from a private road in the Residence A District.  
*(Meridian Land Services, Inc)*
4. **Paul G & Patti Ann Liamos/ Laura M Guilmette/William R & Brenda L Wilson - Ashley Drive – Map 47, Lots 27-14, 27-15 & 27-16;** Public hearing for lot line adjustments involving three (3) residential parcels in the Residence R District.  
*(Meridian Land Services, Inc)*
5. **Badger Hill Properties LLC – Timber Ridge Dr – Map 50, Lots 26-124, 26-126, 26-128, 26-129, 26-131, 26-133,**  
26-160, 26-162, 26-164, 26-166, 26-167, 26-168, 26-169, 26-171, 26-173, 26-175, 26-177, 26-179, 26-180, 26-181, 26-182, and 26-183; **Map 51, Lots 26-47, 26-123, 26-125, 26-126, 26-127, 26-152, 26-170, 26-172, 26-174,**  
26-176, 26-178, and 26-184; **Map 55, Lots 26-130, 26-132, 26-134 thru 26-151, 26-153 thru 26-159, 26-161,**  
26-163 and 26-165.

Public Hearing for phase VI of Badger Hill for multiple lot line adjustments involving sixty (60) residential lots and three (3) open space lots; and to approve Phase VI-A for six (6) buildable lots in the Residence R District.

*(Brown Engineering)*

**OTHER BUSINESS:**

6. **37 Wilton Road Milford, LLC/Lisciotti Development – Wilton Rd – Map 6, Lot 14;** Discussion for proposed Dollar General Store.

Chairperson Langdell called the meeting to order at 6:35PM. She introduced the Board and staff, then explained the ground rules for the public hearing, and read the agenda into the record. She noted that Susan Robinson, alternate member would be sitting in for the absent Tom Sloan.

**MINUTES:**

J. Langdell and C. Beer verbally submitted revisions for the 5/06/14 minutes. S. Duncanson made a motion to approve the minutes from the 5/06/14 meeting, as amended. C. Beer seconded and all in favor with T. Sloan abstaining.

**NEW BUSINESS:**

**NHCG, LLC/185 Elm St, LLC – 185 Elm St, Granite Town Plaza – Map 19, Lot 25-3;** Public Hearing for a site plan amendment to allow all legal gaming activities covered under NH RSA 287-A, 287-D & 287-E.

*No abutters were present.*

Chairperson Langdell recognized:

Greg Barber, General Manager of the River Card Room

Marc Prolman, 185 Elm Street, LLC

Chairperson Langdell noted that the application was complete. C. Beer made a motion that this application did not pose potential regional impact. S. Duncanson seconded and all in favor. S. Wilson read the abutters list into the record.

G. Barber presented the request to amend their site plan which operates under RSA 287 that no longer exists. We are looking to stay up to date and current with all the gaming activities that New Hampshire allows under RSA 287-A Raffles, 287-D Games of Chance and 287-E Bingo and Lucky 7's. J. Langdell noted that RSA 287 was listed on the plan from the 2008 modifications. This amended plan will correct that reference and change it to RSA 287-D, and also add RSAs 287-A and 287-E.

T. Sloan inquired if local officers have been called in for special events. G. Barber said before he started, they did have detail officers but the police department decided it wouldn't be necessary. There have been no police details in the year and half that he's been managing the organization, but we would be open to that if necessary. T. Sloan asked what type of parking the facility was going to encumber with this expansion during those tournaments or special events. G. Barber said he doesn't see a need for any extra parking; we'd probably replace certain tournaments with bingo and charities can operate their 50/50's with about fifteen (15) people. There wouldn't be too much overlap and they wouldn't operate at the same time as our other events. J. Langdell asked if the charitable organizations actually do the raffles and if they get 100% of the proceeds. G. Barber said yes and referenced RSA 287-A regarding splitting proceeds but said we do not plan to require that. J. Langdell inquired when they started doing bingo. G. Barber said last year. The lucky 7's and raffles would also be added to the various table games that we do.

Chairperson Langdell opened the meeting to the public; there being no comment, the public portion of the meeting was closed.

P. Amato expressed concern that they've been doing these games without coming to the Board, and they've been working outside of the site plan for over a year. G. Barber replied it was during the yearly compliance check that we discovered the site plan didn't specifically say we could run bingo and lucky 7's and we came in right away. We got the ball rolling with the Town in March. Mr. Rafferty is still president of the organization but is in Iowa currently. We haven't started running any raffles yet and bingo is only on Tuesdays but if approved we may put in more effort. J. Langdell asked about advertising for the charities you are working with. G. Barber said it is posted in the room but we don't do much direct advertising or show it on our website. J. Langdell asked if they could do so because you have a nice website and it would be nice to see the charity's organization on your calendar. There may be people affiliated with the charity that may want support the event. G. Barber said a more successful avenue is to go through our regular charities email addresses. J. Langdell said advertising would make it appear to average person that the River Card Room is charitable gaming. P. Amato asked what percentage has to be given to the charity per the ordinance? G. Barber said 35%, after the winner is paid, the

gross gaming revenue. We don't back out the overhead and the charity gets 35% right off the top at the end of the night. P. Amato referenced the Boys & Girls Club and said that the amount gets whittled down with fees. G. Barber said we do charge a rental fee and we were the last one in the state to institute that, but unfortunately it was that or close our doors. It was always allowed under the gaming laws, but we made that move in September, 2012. There is no cap under the law but we are the only one in the state to guarantee that each charity makes a minimum of \$2,000 over the ten days. If they don't make that minimum, we'll start waiving fees or write a check to that charity out of our operations account to reach that minimum. We're in business to help the local charities. J. Langdell added that the way the law is structured in New Hampshire, you are casino owners. G. Barber said the owners haven't made any money on the place but also haven't closed the doors yet, so at this point, they are really looking to run a local business, help out the employees, and help out the charities. Our investors haven't pulled anything out yet and are on the side of the charities. Last year, the individual charities got between \$6,000-\$12,000 total per charity and over all of last year, the total was around \$330,000.

J. Langdell reviewed Staff recommendations from the memo dated 5/20/14.

T. Sloan made a motion to grant the application with the staff recommendations. C. Beer seconded and all in favor with P. Amato abstaining.

**Bruce A Merrill – Merrill Ct and Union St – Map 29, Lot 69;** Public hearing for a minor subdivision to create one (1) new residential lot with access from a private road in the Residence A District.

*No abutters were present:*

Chairperson Langdell recognized:

Bruce Merrill, Owner

Randy Haight, Meridian Land Services, Inc.

Chairperson Langdell stated that the application was complete. C. Beer made a motion that the application be accepted. S. Duncanson seconded and all in favor. S. Duncanson made a motion that this application did not pose potential regional impact. C. Beer seconded and all in favor. S. Wilson read the abutters list into the record.

Randy Haight presented plans dated 4/22/14 and explained that this subdivision is a continuation of a recent ZBA variance granted on 7/13/14. The proposal is to subdivide the 60,000+ SF parent lot in half with access off Merrill Ct. Currently there are five (5) lots that use the benefit of the 16+ ft ROW. All lots share equal maintenance but there is nothing in writing, so Wil Sullivan is preparing a document that will put a maintenance easement in place. We are also trying to address situation with the one of the existing driveways that isn't inside the right-of-way.

J. Langdell read the recommendations from the staff memo dated 5/20/14.

Chairperson Langdell opened the meeting to the public; there being no comments, the public portion of the meeting was closed.

P. Amato inquired about the structure that appeared to be on the lot line from the aerial. B. Merrill clarified that it was a wood pile covered by a tarp. P. Amato noted that the plan showed only a fifteen (15') ft setback all the way around the property. R. Haight said that was correct; Merrill Ct is not a road and therefore there is no frontage. Lots 29/66 and 29/66-1 have identical circumstances and no setback. If there is no frontage then there is no setback. P. Amato disagreed saying there is frontage. T. Sloan read the staff memo which stated that the proposed new lot met all dimensional zoning requirements. That would mean including the thirty (30') ft setback. R. Haight said that the ZBA created a lot without frontage so we don't have frontage. J. Langdell inquired if this was the plan taken to the ZBA for their approval and in what context was their determination made as we have differing interpretations. R. Haight replied that he didn't represent the owner at that meeting so he wouldn't know. J. Levandowski stated that there was no surveyed plan submitted and the decision was... *to allow a subdivision creating one new residential lot of no less than 15,000SF that does not have frontage on a class V road or better* and read an excerpt from the minutes that there appeared to be enough room. S. Duncanson asked if there would be a problem adding a 30ft setback. R. Haight answered no, but it would restrict the lot further

than it needs to be. R. Haight also presented a 1986 plan for the Cooley subdivision across the street where frontage was never discussed and a subsequent plan for how the road was built, again without consideration of setbacks. He thought they were being very consistent with what was done in the area. This was never perceived to be a problem and he didn't believe that this lot was in violation. A lengthy discussion ensued on the interpretation of setbacks and frontage requirements.

P. Amato said that the Board has two options, to table this application and let the ZBA decide or change the setbacks on the plan. B. Merrill said he hadn't really thought about the setback or even putting a house there yet, but has no problem.

J. Levandowski noted that the ZBA variance was from frontage requirements and the setbacks would be addressed by special exception. She also read the following sections of the Ordinance; Section 5.02.5, *Yard Requirements* and Section 4.01; Definition of *Minimum frontage* and also *Front Lot Line* and *Road*. R. Haight stated those definitions clarified the setbacks and the plan will be changed to show thirty (30') front setbacks.

T. Sloan inquired if the utilities were overhead. R. Haight replied yes.

T. Sloan made a motion to grant the application with the conditions listed in the staff memo dated 5/20/14 and to change the setback along the Merrill Ct to thirty (30') ft. P. Amato seconded and all in favor.

**Paul G & Patti Ann Lamos/ Laura M Guilmette/William R & Brenda L Wilson - Ashley Drive – Map 47, Lots 27-14, 27-15 & 27-16;** Public hearing for lot line adjustments involving three (3) residential parcels in the Residence R District.

*No abutters were present:*

Chairperson Langdell recognized:

Laura Guilmette, Owner

William Wilson, Owner

Randy Haight, Meridian Land Services, Inc.

Chairperson Langdell stated that the application was complete. S. Duncanson made a motion that the application be accepted. C. Beer seconded and all in favor. C. Beer made a motion that this application did not pose potential regional impact. S. Duncanson seconded and all in favor. S. Wilson read the abutters list into the record.

R. Haight presented plans dated 5/20/14 and explained that this lot line revision between three (3) lots will create two new parcels from 47/27-15; parcel A will be added to 47/27-14 and parcel B will go to 47/27-16. The intent is to put the new lines where the three lots enjoy their land. The new plan differs subtly in that parcel B got five (5) extra feet of frontage to capture the rhododendron and lilac bushes. The original plan was done in winter with significant snow banks so we went back to recover the bounds which turned up right in the middle of the bushes. The owners of 47/27-16 actually planted, maintain and enjoy the bush. The plan is pretty straight forward and all the pins will be set. He explained the topography shown on Sheet 2 and reiterated that this plan is to make everything right and reflect how the land is used.

P. Amato referenced the shed and the setbacks. R. Haight replied the shed belongs to 47/27-14 but is currently on 47/27-15's land and this plan will correct that. For setbacks, there are only perimeter setbacks on the this subdivision and there are no internal setbacks and no minimum lot sizes. The lots vary from 10,416 SF to 40,000SF.

S. Duncanson pointed out that the first abutter on the listing on the plan should read 47/27-14 not Map 27.

C. Beer mentioned that we currently do not allow driveways off hammerheads. R. Haight said they used to be allowed and due to the topography in this instance there are no other alternatives. J. Langdell said decisions need to be taken in the context of the time the decision was made.

Chairperson Langdell opened the meeting to the public; there being no comments, the public portion of the meeting was closed.

J. Langdell read the staff recommendations from the memo dated 5/20/14 and stated that some of the conditions have been met.

T. Sloan made a motion to grant approval of the application with the conditions listed in the staff memo and to change the abutter parcel number. S. Duncanson seconded and all in favor. J. Langdell noted that it was nice to see three neighbors working together to solve a problem.

**Badger Hill Properties LLC – Timber Ridge Dr – Map 50, Lots 26-124, 26-126, 26-128, 26-129, 26-131, 26-133, 26-160, 26-162, 26-164, 26-166, 26-167, 26-168, 26-169, 26-171, 26-173, 26-175, 26-177, 26-179, 26-180, 26-181, 26-182, and 26-183; Map 51, Lots 26-47, 26-123, 26-125, 26-126, 26-127, 26-152, 26-170, 26-172, 26-174, 26-176, 26-178, and 26-184; Map 55, Lots 26-130, 26-132, 26-134 thru 26-151, 26-153 thru 26-159, 26-161, 26-163 and 26-165.** Public Hearing for phase VI of Badger Hill for multiple lot line adjustments involving sixty (60) residential lots and three (3) open space lots; and to approve Phase VI-A for six (6) buildable lots in the Residence R District.

Chairperson Langdell read an email from Andrew Sullivan, representing Badger Hill Properties, LLC dated 5/17/14 requesting to continue the application to the June 17, 2014 meeting.

J. Levandowski added that staff sent out courtesy notices by regular mail to the abutters advising them of the request to table.

T. Sloan made the motion to table the application until the 6/17/14 meeting with abutter notification prior to the meeting. S. Duncanson seconded. All in favor with P. Amato abstaining.

#### **OTHER BUSINESS**

**37 Wilton Road Milford, LLC/Lisciotti Development – Wilton Rd – Map 6, Lot 14;** Discussion for proposed Dollar General Store.

Chairperson Langdell recognized:  
Austin Turner, Bohler Engineering  
John Scribner, Lisciotti Development

A. Turner presented conceptual plans dated 3/27/14 and explained the evolution of the design for a 9,100 SF Dollar General Store with 32 parking spaces and a single full access curb cut. The proposed pylon sign along Wilton Rd will be consistent with the Town's zoning requirements. The loading for the building will occur on the rear side for infrequent morning deliveries. Dollar General is a low traffic generator with approximately ten trips per hour and we will do a formal traffic assessment. We worked closely with staff on the conceptals and used their feedback. We flipped the building from the original design which pulls the loading away from the abutter. The screening will be consistent with operational requirements. He reviewed the preferred layout on Sheet #3 with the building's front to face Wilton Rd. He then described the architectural and provided material samples that will enhance the architecture of the north and east sides of the building. The south and west sides will maintain the original typical metal architecture and subsequently will be screened, by a combination of adequate landscaping or some form of fencing to provide a visual barrier.

S. Duncanson asked if this is in the West Elm Street Gateway Corridor. J. Langdell said yes, and those guidelines recommend or encourage parking on the side. The majority of the proposed parking is on the side but there are a number of things in the overlay district that we may want to consider. A. Turner said staff gave us several suggestions to maintain the intent and spirit of that ordinance.

C. Beer asked if there was a proposed lighting plan because this is close to residential lots. A. Turner said they will be consistent with Milford's regulations and will be shielded and dark sky compliant. C. Beer asked if Dollar General had alternative architectural instead of the flat roof shown. A. Turner said the geometry and footprint of the building typically does not change, and any material enhancements would be considered by Lisciotti Development. J. Langdell said we clearly understand that the zoning there is ICI, but we need to look at the context of this particular location, as this is entering a residential neighborhood and entering into downtown Wilton. There is a look and feel that we need to keep in mind and as well the view coming east from Wilton. J.

Levandowski inquired if it would be possible for Dollar General to consider a peaked façade. A. Turner said the building will include a parapet for the HVAC but we can engage Dollar General to see about incorporating some vertical elements for the roofline. M. Prolman said the building is ninety (90') ft from the road but maybe they could wrap the vertical element around to the west side as well.

P. Amato noted that this is a relatively small building on land that may be further developed and this lower density use will have less impact on the town than other plans we've looked at in the past for multi-family uses. J. Langdell said as we think of further development on this property we also need to think about access management for the future. P. Amato asked if a shared curb cut would be considered. A. Turner said Dollar General is self-insured and prefers to self-develop, so any form of shared access would be a non-starter. Also, the single dedicated access will also keep Dollar General's loading to just their parcel. M. Prolman added that the deeded access road to the dam cannot move, so further development could be conditionally restricted to sharing that curb cut. The sight distance for this access is excellent and noted the amount of proposed open space, which is much more than if an industrial building were to go there. A. Turner also brought up the problem of relocating the railroad crossing and stated that working with the railroad can be challenging. We spent a lot of time with staff on this.

S. Duncanson asked if there would be one shared access for the remainder of lot 6/14. M. Prolman said he envisioned two additional lots on the remaining parcel and two curb cuts along the 1,000ft frontage. J. Langdell noted that one curb cut already exists. M. Prolman said we could put something in writing regarding a shared access when that lot is subdivided. J. Langdell also brought up the bus stop easement. S. Duncanson noted that the old inn directly overlooks this property and asked if the façade will block their view of the HVAC equipment. P. Amato said there is a lot of trees and vegetation. A. Turner said they will do what is in reason.

T. Sloan said the proposed pylon sign is shown near the entrance at the ten (10') ft ROW. We've come across this in the past where it is difficult to landscape along the ROW and still be able to see the sign, so is this the best location for the sign; to fit with the corridor landscaping requirements and for visibility? J. Langdell inquired if electric message board signs were allowed in the ICI district. J. Levandowski confirmed that electronic message signs are allowed in the ICI district. A. Turner said a message sign is not proposed and the signage will be turned off after all employees leave. T. Sloan inquired about the utilities. A. Turner replied that the electric may be overhead, but everything else will be subsurface. J. Langdell inquired if there were any examples of Dollar General Stores locally to view. A. Turner referenced the store on East Hollis St in Nashua and a new one opening next week in Westminster, MA.

J. Langdell inquired about the hours of operation. A. Turner said the specifics for this location have not been finalized; however, the general hours are Monday-Friday from 8:00AM to 10:00PM, Saturday from 9:00AM-10:00PM and Sunday from 9:00AM-9:00PM. J. Langdell mentioned that there are fifty (50) apartments across the street and many residents along Maple St; how do we get people to walk here, safely. There is an existing sidewalk nearby that does continue to downtown Wilton and a painted crosswalk across from the mill building. A. Turner said we can look into incorporating some sort of pedestrian access. J. Langdell asked if Dollar General sells groceries such as bread or milk. A. Turner said yes, small grocery items.

M. Prolman initiated discussion on future development of the remaining 3.5 acre parcel and some of the Board suggestions were restaurant, hotel, function hall, or maybe a grocery store in the commercial portion of the mill building. M. Prolman noted that the Pine Valley Mill housing just won a preservation award and asked if the Board would consider a possible development of a three (3) building/forty-eight (48) unit project on the remaining lot that would tie into the mill? Further discussion on the Pine Valley Mill and tax credit housing followed. J. Langdell said to consider housing, we have to look at the number of multi-family units we have already in town, and to look at the number of units we have with some type of choice voucher or funding attached to them; Milford is 2<sup>nd</sup> only to Nashua with assisted housing. We also have two assisted living/memory care facilities and two licensed full care nursing homes in Milford. P. Amato said this would be an attractive lot for possibly some small cottages where one could progress into an assisted living building because it's close to town and close to access. J. Langdell said it is close to Wilton, not to Milford. She then referenced a senior housing development in Pembroke where the only place walkable is a convenience store, so one had to consider assisted transportation. K. Bauer referenced the Ducal Development on Mont Vernon St and said that is walkable to downtown.

The meeting was adjourned at 8:15pm.